

VARIANCE FOR OPEN BURNING (9 VAC 5 CHAPTER 240)

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9 VAC 5-240-10. Applicability.

A. The provisions of this article apply to any person who permits or engages in open burning or who permits or engages in burning using special incineration devices under the provisions of 9 VAC 5-40-5630 A 8 and 10.

B. The provisions of this chapter apply throughout the Counties of Gloucester and Isle of Wight.

9 VAC 5-240-20. Definitions.

A. For the purpose of applying this chapter in the context of the Regulations for the Control and Abatement of Air Pollution and related uses, the words or terms shall have the meaning given them in subsection C of this section.

B. As used in this chapter, all terms not defined herein shall have the meaning given them in 9 VAC 5 Chapter 10 (9 VAC 5-10), Article 40 (9 VAC 5-40-5600 et seq.) of Part II of 9 VAC 5-40, or commonly ascribed to them by recognized authorities, in that order of priority.

C. Terms Defined.

"Department" means the Department of Environmental Quality, an agency of the Commonwealth described in § 10.1-1183 of the Code of Virginia.

"Order" means the order granting this variance.

"VAC" or "9 VAC" means Title 9 of the Virginia Administrative Code. This title comprises the environmental regulations for the Commonwealth of Virginia, including the regulations of the State Air Pollution Control Board.

"Variance" means this chapter.

9 VAC 5-230-30. Permissible open burning.

A. For the purposes of applicability of the seasonal restrictions in 9 VAC 5-40-5630 A 8 and 10 only, the Hampton Roads Volatile Organic Compound Emissions Control Area in 9 VAC 5-20-206 does not include the County of Gloucester and the County of Isle of

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Wight.

B. This chapter shall not be applicable after December 31, 2008.

9 VAC 5-230-40. Applicability of future regulation amendments.

Subsequent amendments to 9 VAC 5-40-5630 A 8 and 10 to which this chapter provides relief shall not apply to the affected persons unless and until the board amends this chapter to specifically address the applicability of the regulatory amendments to the affected persons.

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